

In re) Fair Hearing No. 20,058
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Appeal of)

The petitioner appeals a decision of the Department for Children and Families, Economic Services Division terminating her Vermont Health Access Program (VHAP) benefits. The issue is whether the petitioner's income exceeds the program maximum.

1. On October 19, 2005 the petitioner underwent a review of her continuing eligibility VHAP. At that time she had just started a new job.

2. The petitioner does not dispute the Department's determination that her income from her employment is \$1,595.81 a month, which is in excess of the VHAP maximum of \$1,197 for a one-person household. Based on this income the Department determined that the petitioner was no longer eligible for VHAP, effective December 1, 2005.¹

3. At the hearing in this matter (held on January 9, 2006) the petitioner stated that she has chronic medical

problems that interfere with her ability to work. The petitioner was advised that she could apply for Medicaid under the "working disabled" program. She was also advised to reapply for VHAP if her income falls below the monthly program maximum.

ORDER

The Department's decision is affirmed.

REASONS

Under the VHAP regulations, all earned income is included as countable income for eligibility. W.A.M. § 4001.81(b). There is no dispute that as of the dates of her application and hearing the petitioner had countable income in excess of the maximum for eligibility under the VHAP program for a one-person family, which is \$1,197 a month. P-2420 B. If applicants have income above this amount, they cannot be found eligible for that program. W.A.M. §§ 4001.83 and 4001.84. Thus, the Department's decision finding the petitioner ineligible for VHAP based on her October 2005 review must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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¹ The Department found the petitioner eligible for the Healthy Vermonters program effective that same date.